

MARK H.



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-2147 FAX (603) 271-6588

LETTER OF DEFICIENCY
WET #SC2004-0005



March 18, 2004

Jose Roy
24 Bay Shore Road
Greenland, NH 03840

**RE: Wetlands Bureau Complaint File #2004-109, Roy, 24 Bay Shore Road, Greenland
Map R-18 / Lot 6.**

Dear Mr. Roy:

On January 27, 2004, personnel from the Department of Environmental Services ("DES") conducted an inspection with the Greenland Building Inspector for the above referenced property, more specifically referenced on Greenland Tax Map R-18 as Lot 6 (the "Property"). The purpose of the inspection was to determine compliance with RSA 483-B, the Comprehensive Shoreland Protection Act ("CSPA").

During the inspection it was observed that the natural woodland buffer area on your property has been clear-cut. As required by the CSPA, the natural woodland buffer shall be maintained within 150 feet of the reference line. The reference line is defined as the highest observable tide line. This action is in contradiction of RSA 483-B:9,V(a) which states that no more than a maximum of 50% of the basal area of trees and a maximum of 50% of the total number of saplings shall be cut for any purpose in a 20 year period. A copy of the regulation is enclosed.

In response, you are requested to take the following actions:

1. Submit a written explanation describing when this work occurred, circumstances surrounding the purpose for this work, and who performed the work.
2. Submit a natural woodland buffer restoration plan for replacement plantings that describes and shows the following:
 - (a) The species of plants proposed for replanting;
 - (b) The number of plants proposed for replanting;
 - (c) The basal area of the trees proposed for replanting;
 - (d) The existing trees within the natural woodland buffer; and
3. Replacement plantings shall consist of the species that are as close as possible to the species present prior to vegetation removal or at least 75% of the replacement plants shall be chosen from the enclosed list of natural woodland buffer plantings.
4. Replacement plants shall have spatial and compositional diversity that replicates a natural woodland buffer.

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5. Replacement and remaining trees shall comprise at least 50 percent of the basal area that existed prior to cutting.
6. Replacement trees shall be placed no further apart than 10 feet on center.

RSA 483-B, the Comprehensive Shoreland Protection Act, was enacted to protect and preserve the shoreline from unregulated despoliation. If work is done that is not in compliance with the Comprehensive Shoreland Protection Act, this is considered a violation of 483-B. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.


Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 483-B will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

David Price, Compliance Investigator
Wetlands Bureau
Department of Environmental Services
360 Corporate Drive
Suite 2
Portsmouth, NH 03801

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 433-6183.

Sincerely,


COPY
Don Wiggan
Coastal Supervisor
DES Wetlands Bureau

CERTIFIED MAIL # 7003 1010 0003 3557 2739

cc: Rene Pelletier, Manager, Land Resources Management Program
Mark Harbaugh, DES Legal Unit
Greenland Conservation Commission
Bob Cushman, Greenland Building Inspector